

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
International Association of Fire Chiefs, Inc., and)
International Municipal Signal Association)
)
Informal Request for Certification as a Frequency)
Coordinator for PLMR 800 MHz and 900 MHz)
Public Safety Frequencies)
)
and)
)
American Association of State Highway)
and Transportation Officials)
)
Informal Request for Certification as a Frequency)
Coordinator for PLMR 800 MHz Public Safety)
Frequencies)

ORDER

Adopted: July 24, 2001

Released: July 25, 2001

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. On July 6, 2000, the International Association of Fire Chiefs, Inc. and the International Municipal Signal Association (IAFC/IMSA) jointly filed an informal request for Commission certification as a frequency coordinator in the Private Land Mobile Radio (PLMR) service for 800 MHz band¹ and 900 MHz band² Public Safety frequencies.³ On December 4, 2000, the American Association of State Highway and Transportation Officials (AASHTO) filed an informal request for Commission certification to provide frequency coordination services for the 800 MHz PLMR Public Safety frequencies.⁴ IAFC/IMSA and AASHTO are currently certified as frequency advisory committees (FAC) or frequency coordinators for certain Public Safety Pool frequencies below 512 MHz and in the Public

¹ The "800 MHz Public Safety frequencies" include six megahertz of spectrum at 821-824/866-869 MHz, *see* 47 C.F.R. §§ 90.16, 90.617(a)(1), (NPSPAC/Regional Plans), seventy channels within the 806-821/851-866 MHz band, *see* 47 C.F.R. § 90.617(a) (Public Safety Category), channels available for public safety use within the U.S./Mexico border area, *see* 47 C.F.R. § 90.619(a), and U.S./Canada border area, *see* 47 C.F.R. §§ 90.619(b), (c).

² We note that the 896-901/935-940 MHz band (900 MHz band) is available only for Business, Industrial/Land Transportation, and Specialized Mobile Radio (SMR) systems. 47 C.F.R. §§ 90.35, 90.601, 90.617, and 90.619.

³ Informal Request for Certification filed by IAFC/IMSA on July 6, 2000 (IAFC/IMSA Request).

⁴ Informal Request for Certification filed by AASHTO on Dec. 4, 2000 (AASHTO Request).

Safety 700 MHz band.⁵ The informal requests were placed on *Public Notice* on January 22, 2001.⁶ We received twelve comments⁷ and two replies.⁸ For the reasons set forth below, we grant IAFC/IMSA's Request and certify IAFC/IMSA as a FAC for the PLMR 800 MHz Public Safety frequencies. We also grant AASHTO's Request and certify AASHTO as a FAC for the PLMR 800 MHz Public Safety frequencies. We also offer the opportunity to the Forestry Conservation Communications Association (FCCA) (another FAC that is currently certified to coordinate Public Safety frequencies below 512 MHz and in the 700 MHz band) to perform the same function for frequencies in the PLMR 800 MHz Public Safety bands.⁹ Finally, we deny IAFC/IMSA's request to coordinate 900 MHz PLMR frequencies.

II. BACKGROUND

A. Frequency Coordination Below 512 MHz and 700 MHz

2. A PLMR frequency coordinator is a private-sector entity or organization that has been certified by the Commission to recommend the most appropriate frequencies for use by licensees in the PLMR services.¹⁰ The Commission has recognized the role of frequency coordinators in the process of

⁵ Public Safety Pool frequencies between 25 MHz and 512 MHz are subject to frequency coordination and most applications are for frequencies in the 150-174 MHz, 220-222 MHz, 421-430 MHz, 450-470 MHz, and 470-512 MHz bands. See 47 C.F.R. §§ 90.20(c)(3), 90.175. There is also twenty-four megahertz of spectrum allocated for public safety services at 764-776 MHz and 794-806 MHz (Public Safety 700 MHz band). See 47 C.F.R. § 90.521.

⁶ See Wireless Telecommunications Bureau Seeks Comment on Informal Request of AASHTO for Certification to Provide Frequency Coordination for 800 MHz Private Land Mobile Radio Service Frequencies, *Public Notice*, 16 FCC Rcd 2192 (WTB PSPWD 2001); Wireless Telecommunications Bureau Seeks Comment on Informal Request of IAFC/IMSA for Certification to Provide Frequency Coordination for 800 MHz and 900 MHz Private Land Mobile Radio Service Frequencies, *Public Notice*, 16 FCC Rcd 2195 (WTB PSPWD 2001).

⁷ The following parties filed comments in response to AASHTO's Request: American Mobile Telecommunications Association, Inc. (AMTA), Association of Public-Safety Communications Officials-International, Inc. (APCO), Atlas License Company and Data Services (Atlas), Cara Enterprises (Cara), ComNet Ericsson Critical Radio Systems (ComNet), Department of Public Works for Howard County, Maryland (DPW), Kansas Department of Transportation (KDOT), Metropolitan Washington Airports Authority (MWAA), Minnesota Department of Transportation (MDOT), National Public-Safety Planning Advisory Committee, Region VI, California, Review and Revision Committee (Region VI), Tennessee Department of Transportation (TDOT), and Washington State Department of Transportation (WDOT). The following parties filed comments in response to IAFC/IMSA's Request: AMTA, APCO, Atlas, ComNet, and Region VI.

⁸ The Georgia Department of Transportation (GDOT) filed reply comments concerning AASHTO's Request. IAFC/IMSA filed reply comments to APCO's comments on IAFC/IMSA's Request. AASHTO also filed an *ex parte* letter in this proceeding. See Letter from Larry Miller, AASHTO, to Secretary, FCC (Jun. 26, 2001).

⁹ AASHTO and IAFC/IMSA ask that their requests not be part of a larger rulemaking proceeding. See AASHTO Request at 7; IAFC/IMSA Reply at 4-5 n. 5. We consolidate the two requests given that they raise common issues of fact and law. 47 C.F.R. § 1.1. Therefore, this *Order* addresses only the issue of whether entities already certified to coordinate Public Safety frequencies below 512 MHz and 700 MHz Public Safety frequencies should also be certified to coordinate 800 MHz Public Safety frequencies. See 47 C.F.R. § 90.20(c) (specifying coordinators). We note that APCO is already certified to coordinate 800 MHz Public Safety frequencies.

¹⁰ For the Part 90 definition of a frequency coordinator see 47 C.F.R. § 90.7. See also Frequency Coordination in the Private Land Mobile Radio Services, *Report and Order*, PR Docket No. 83-737, 103 FCC 2d 1093, 1094 ¶ 1 (1986) (*Frequency Coordination Report and Order*). Public Safety frequencies are listed in 47 C.F.R. § 90.20.

selecting available frequencies since 1958,¹¹ but it was not until 1986 that the Commission formally certified frequency coordinators.¹² The Commission examined the facets of the frequency coordination process in an effort to maximize service to the public by assuring that the assignment and management of the PLMR spectrum was performed in an efficient and effective manner.¹³ In almost all of the Public Safety Radio Services the Commission received more than one request per radio service for frequency coordination certification.¹⁴ The Commission recognized that certifying multiple coordinators per service could lower fees,¹⁵ but decided to certify a single coordinator in each service in order to reduce the potential for confusion and avoid inconsistent standards.¹⁶ The Commission believed that “competition in the recommendation of frequencies should not be necessary to assure the lowest price or best service.”¹⁷

3. The primary factor in the selection of each frequency coordinator was whether the applicant represented a class of users eligible for licenses in the service the applicant proposed to coordinate.¹⁸ Special emphasis was placed on representativeness since the Commission decided to certify only one coordinator per service.¹⁹ Additional factors considered were the applicant’s overall plan to coordinate the service,²⁰ whether the applicant had any experience coordinating frequencies in that service or any technical expertise in engineering land mobile stations,²¹ and whether the applicant was capable of nationwide coordination.²² IAFC/IMSA was certified as the frequency coordinator for the Fire, Special Emergency, and Emergency Medical Radio Services for the frequencies below 512 MHz.²³ AASHTO was certified as a frequency coordinator for the Highway Maintenance Radio Service

¹¹ *Frequency Coordination Report and Order*, 103 FCC 2d at 1096 ¶ 4 (citing Amendment of Part 11, Rules Governing the Industrial Radio Services, to Delete, Modify and Create Services and To Effect Changes in the Availability of Frequencies, *First Report and Order*, Docket No. 11991, FCC 58-602, 23 Fed. Reg. 4784 (1958)).

¹² *See Frequency Coordination Report and Order*, 103 FCC 2d at 1126-1147 ¶¶ 70-108.

¹³ *Id.* at 1095 ¶ 2.

¹⁴ *Id.* at 1126-1131 ¶¶ 70-9.

¹⁵ *Frequency Coordination in the Private Land Mobile Radio Services, Notice of Proposed Rulemaking*, PR Docket No. 83-737, 49 Fed. Reg. 45,454, 45,456 ¶ 14 (1984).

¹⁶ *Frequency Coordination Report and Order*, 103 FCC 2d at 1121-22 ¶¶ 57-59.

¹⁷ *Id.* at 1122-3 ¶ 61.

¹⁸ *Id.* at 1126 ¶ 70.

¹⁹ *Id.* at 1126 ¶ 70 n. 17.

²⁰ *Id.* at 1126 ¶ 70 (*e.g.*, how frequency recommendations would be made and whether all applicants would be treated equally).

²¹ *Id.*

²² *Id.* (*e.g.*, whether the applicant had a nationwide database of users in the service it proposed to coordinate, and whether the database was automated).

for the frequencies below 512 MHz.²⁴ APCO was certified as the coordinator in the Police Radio Service and the Local Government Radio Service frequencies below 512 MHz.²⁵ The Forestry Conservation Communications Association (FCCA) was certified as the coordinator in the Forestry Conservation Radio Service frequencies below 512 MHz.²⁶

4. In 1997, the Commission consolidated the twenty PLMR services below 512 MHz into two pools, Public Safety and Industrial/Business.²⁷ The Public Safety Pool below 512 MHz comprises frequencies that were previously allotted to any of the Public Safety Radio Services and the Special Emergency Radio Service.²⁸ The Commission authorized the coordinators of the services consolidated into the Public Safety Pool to manage frequencies that they were responsible for prior to consolidation with one exception.²⁹ The Commission allowed any of the certified frequency coordinators in the Public Safety Radio Services, but not the Special Emergency Radio Service, to coordinate frequencies assigned to the Local Government Radio Service.³⁰ Consequently, AASHTO, IAFC/IMSA, APCO, and FCCA share responsibility for coordinating Public Safety Pool frequencies below 512 MHz that formerly were allocated to the Local Government Radio Service. The Commission adopted this exception, in part, because frequencies in the former Local Government Radio Service are available to all governmental public safety entities and are routinely used for both emergency and non-emergency communications.³¹ Moreover, the Commission specifically stated that it took this action to allow competition to be introduced, to the extent possible, into the Public Safety Pool frequency coordination process.³²

5. The Commission elaborated that the new policy of competitive coordination of frequencies below 512 MHz was not a rejection of the concept of “representativeness” that served as the

(Continued from previous page) _____

²³ *Id.* at 1129-31 ¶¶ 75, 77 (IAFC/IMSA and the Business Radio Service coordinator were certified jointly as the coordinator of the Special Emergency Radio Service). *See* Amendment of Part 90 of the Commission’s Rules to Create the Emergency Medical Radio Service, PR Docket No. 91-72, *Report and Order*, 8 FCC Rcd 1454, 1460 ¶ 33 (1993) (certifying IAFC/IMSA as the frequency coordinator of the Emergency Medical Radio Service).

²⁴ *Frequency Coordination Report and Order*, 103 FCC 2d at 1129 ¶ 75.

²⁵ *Id.* at 1127, 1129 ¶¶ 73, 76.

²⁶ *Id.* at 1129 ¶ 75.

²⁷ Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket 92-235, 12 FCC Rcd 14307, 14317-8 ¶ 20 (1997) (*Refarming Second Report and Order*).

²⁸ *See* 47 C.F.R. §§ 90.15-90.20.

²⁹ *Refarming Second Report and Order*, 12 FCC Rcd at 14,327 ¶¶ 37-8.

³⁰ *Id.* at ¶ 38.

³¹ *Id.*

³² *Id.* The concept of allowing applicants the opportunity to select among multiple coordinators is not unique among Part 90 users. The Commission noted that applicants for 800 MHz band conventional and trunked systems on General Category frequencies had the option of seeking coordination from any of three frequency coordinators certified to recommend 800 MHz frequencies. *Id.* at 14,328-9 ¶ 40. *See supra* ¶ 10.

basis for assigning exclusive coordinators for each service in 1986.³³ The Commission explained that when “similarities exist in the types of systems that PLMR licensees utilize,” and that, “where systems are virtually identical and user needs similar ... any of the recognized in-pool frequency coordinators, with the extensive experience and technical expertise in engineering systems and selecting frequencies, possess the ability to provide frequency coordination recommendations.”³⁴ The Commission went on to determine that the introduction of competition among frequency coordinators in the former Local Government Service should promote lower coordination costs and foster better service to the public³⁵ *i.e.*, “reduce the time it takes to obtain a coordination, thereby allowing users to get on-the-air quicker.”³⁶

6. While recognizing the public interest benefits of competitive coordination the Commission emphasized that the integrity of the radio communications in the Public Safety Pool must be maintained without fail.³⁷ The Commission found that retaining exclusive coordination and introducing limited competition, would preserve much of the status quo, provide frequency coordinators access to a greater number of frequencies with which to accommodate applicants, and permit applicants to apply directly for frequencies that were previously available only through interservice sharing procedures.³⁸ The Commission also found that preserving the jurisdiction of the individual certified public safety frequency coordinators over the radio spectrum for which they were responsible, while expanding access to Local Government frequencies, would help ensure consistency with local, regional, and state public safety communications plans.³⁹ The Commission said that this issue could be revisited in the future if a more integrated coordination system could be designed that would not impair public safety interests.⁴⁰

7. In 1998, the Commission certified all of the public safety coordinators to provide frequency coordination for the Public Safety 700 MHz band General Use channels (a total of 12.5 megahertz of radio spectrum that is available for licensing to local, regional, and state public safety providers).⁴¹ The Commission also adopted a regional planning process similar to the 800 MHz regional planning process to manage the use of these 700 MHz band channels.⁴² In this connection, the

³³ *Id.* at 14,325-6 ¶ 34.

³⁴ *Id.*

³⁵ *Id.* at 14,327 ¶ 38.

³⁶ *Id.* at 14,328 ¶ 40.

³⁷ *Id.* at 14,328 ¶ 39.

³⁸ *Id.*

³⁹ *Id.* “Each Public Safety frequency coordinator,” the Commission explained, “must be knowledgeable” about the specific regional plans that have been established in the radio service in which they coordinate to avoid any unintended public safety consequences. *Id.* n. 96.

⁴⁰ *Id.* at 14,328 ¶ 39.

⁴¹ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service, *First Report and Order and Third Notice of Proposed Rulemaking*, WT Docket No. 96-86, 14 FCC Rcd 152, 200 ¶ 98 (1998) (*700 MHz First Report and Order*).

⁴² *700 MHz First Report and Order*, 14 FCC Rcd at 200 ¶ 98.
(continued....)

Commission found that the frequency coordination approach adopted for the Local Government Radio Service, in the *Refarming Second Report and Order*, was appropriate for the Public Safety 700 MHz band General Use channels.⁴³ That is, because the reallocated frequencies were available to all public safety entities, the Commission determined that all of the certified public safety frequency coordinators may provide coordination.⁴⁴ Moreover, the Commission acknowledged APCO's offer to provide technical and financial assistance to 700 MHz regional planning committees, but declined to certify APCO as the sole 700 MHz public safety frequency coordinator.⁴⁵ The Commission concluded that by "encouraging competition among coordinators, we will promote cost-based pricing of coordination services and provide incentives for enhancing service quality."⁴⁶

B. Frequency Coordination above 800 MHz

8. In the 1986 *Frequency Coordination Report and Order*, the Commission certified APCO as the exclusive frequency coordinator for the Public Safety Category frequencies in the 806-821/851-866 MHz band.⁴⁷ The Commission also certified APCO to frequency coordinate public safety and special emergency use of the 800 MHz Conventional Category ["original 150"] channels and similarly certified PCIA and ITA to coordinate business use and industrial/land transportation use of 800 MHz Conventional Category channels, respectively.⁴⁸

9. In 1987, the Commission adopted a Public Safety National Plan that, among other things, established regional planning committees to manage the use of six megahertz of spectrum allocated for public safety at 821-824/866-869 MHz (800 MHz regional planning band).⁴⁹ Under the regional planning approach used for the 800 MHz regional planning band, the nation was divided into regions that would have as much autonomy as possible to develop plans that met their different communications needs.⁵⁰ Each region formed a planning committee to develop a regional plan to meet their different

(Continued from previous page) _____

⁴³ *Id.* (citing *Refarming Second Report and Order*, 12 FCC Rcd at 14,327).

⁴⁴ *Id.*

⁴⁵ *Id.* APCO also argued that as the certified 800 MHz public safety frequency coordinator representing eligible users, it was the only coordinator with experience coordinating regional planning frequencies. *Id.* at 199 ¶ 96.

⁴⁶ *Id.* at 200 ¶ 98.

⁴⁷ *Frequency Coordination Report and Order*, 103 FCC 2d at 1142 ¶ 99. Similarly, the Commission certified the Personal Communications Industry Association (then named the National Association of Business Educational Radio) (PCIA) and the Industrial Telecommunications Association (then named the Special Industrial Radio Service Association) (ITA) as the exclusive coordinators of the 800 MHz Business and 800 MHz Industrial/Land Transportation categories, respectively. *Id.*

⁴⁸ *Id.* at 1146-7 ¶ 108. The Commission permitted the continued use of three coordinators for recommending these frequencies because this procedure had evolved into a workable, manageable system. *Id.*

⁴⁹ See 47 C.F.R. § 90.16. The National Public Safety Plan was established in General Docket No. 87-112. See Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

⁵⁰ *Id.* at 906 ¶ 10. Regional planning committees must coordinate with adjoining regions. *Id.* at 910-1 ¶¶ 45, 55. The Commission concluded that inter-regional cooperation and concurrence was the best, most cost effective, and least complicated method for avoiding cross-border harmful interference problems between regions. *Id.*

communications needs with membership open to all eligible user groups.⁵¹ APCO, as the certified frequency coordinator for the 800 MHz regional planning band, was directed to appoint a local convener who would organize and publicize the initial meeting.⁵² After the plan was approved by the Commission, applications were normally submitted to the committee in accordance with the procedures set forth in the plan,⁵³ and then, if approved, the applicants would forward them to APCO for coordination and filing with the Commission.⁵⁴ At present the Commission has approved 800 MHz regional plans for all existing regions but regional committees propose modifications to Commission-approved plans from time-to-time. In this connection, the Commission has stated that APCO, acting in its frequency coordination role, or the Regional Planning Committee Chairpersons may recommend, in writing, changes to a regional plan.⁵⁵ The Commission gives public notice and solicits comment on any such proposals and issues appropriate orders upon review.⁵⁶

10. As noted above, in the 1986 *Frequency Coordination Report and Order* the Commission certified APCO to frequency coordinate public safety applications for the 800 MHz Conventional Category [“original 150”] channels. In 1990, the Commission redesignated the Conventional Category channels as the 800 MHz General Category channels and introduced competitive frequency coordination by allowing applications to trunk General Category channels to be coordinated by *any* of the three coordinators that were certified to handle 800 MHz band applications.⁵⁷ In 1993, to allow more applicants to choose coordinators on the basis of criteria such as cost and speed of service, the Commission extended competitive frequency coordination to applications for use of General Category

⁵¹ *Id.* at 910 ¶¶ 45-46. Regional planning committees must be representative of all public safety entities in their regions. *Id.* at 910 ¶ 46; Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, Gen. Docket No. 87-112, *Memorandum Opinion and Order on Reconsideration*, 3 FCC Rcd 5391, 5395 ¶ 43 (1988) (*National Plan Memorandum Opinion and Order on Reconsideration*). Eligibility criteria for Public Safety Pool frequencies are set forth in 47 C.F.R. § 90.20.

⁵² *National Plan Report and Order*, 3 FCC Rcd at 910 ¶ 47.

⁵³ *Id.* at 910. In instances where there is insufficient spectrum to satisfy the needs of all eligibles “the highest priority must be given to those organizations most fundamentally involved in the protection of life and property.” *Id.* at 906 ¶ 13. Regional planning committees are in the best position to determine which services are of the greatest importance to public safety in their regions.” *Id.* The Commission said that it would “leave it to the regional planning committees” to determine which entities would obtain channel assignments. *Id.* Committees, however, must explain the criteria used to determine frequency assignments. *Id.*; *National Plan Memorandum Opinion and Order on Reconsideration*, 3 FCC Rcd at 5395 ¶ 43.

⁵⁴ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service, PR Docket 96-86, *Second Memorandum Opinion and Order*, 15 FCC Rcd 16,844, 16,869 ¶ 56 (2000) (*700 MHz Second Memorandum Opinion and Order*).

⁵⁵ See *700 MHz First Report and Order*, 14 FCC Rcd at 195-6 ¶ 88 n.226 (citing *National Plan Report and Order*, 3 FCC Rcd at 911).

⁵⁶ *National Plan Report and Order*, 3 FCC Rcd at 911 ¶ 57.

⁵⁷ See *Trunking in the Private Land Mobile Radio Services for More Effective and Efficient Use of the Spectrum* PR Docket No. 87-213, *Report and Order*, 5 FCC Rcd 4016, 4022 ¶ 56 (1990) (*Trunking Report and Order*).

channels for conventional SMRs.⁵⁸ In this connection, the Commission stated that it was not rejecting the representativeness standard for certification of coordinators.⁵⁹ Rather, the Commission certified APCO, PCIA, and ITA to frequency coordinate General Category applications because it found no distinction, for licensing purposes, based on the radio service in which a user was eligible.⁶⁰ In 1995, however, the Commission suspended the filing of new 800 MHz General Category channel applications after proposing a new licensing framework for SMR systems in the 800 MHz band.⁶¹ The Commission subsequently adopted rules to license 800 MHz General Category channels by geographic areas, whereby mutually exclusive initial applications would be subject to competitive bidding.⁶² Thus, the Commission does not accept any applications for new site-specific licenses in the General Category Pool. In this connection, the Commission concluded an auction, Auction No. 34, of 1,050 General Category licenses in September 2000.⁶³ Nonetheless, we note that frequency coordination is required for modification applications filed by incumbent⁶⁴ General Category licensees, as well as for certain “relocation” applications under Section 90.699 of the Rules.⁶⁵

⁵⁸ Amendment of Part 90 of the Commission’s Rules to Expand Coordination of the 800 MHz General Category Channels, PR Docket No. 92-209, *Report and Order*, 8 FCC Rcd 3626, 3627 ¶ 7 (1993) (*General Category Report and Order*). Additionally, the Commission noted that procedures were already in place for cross-notification among the three 800 MHz coordinators in this spectrum when a recommendation is made by one. *Id.* at 3628 ¶ 10 n.34 (citing *Trunking Report and Order*; 5 FCC Rcd at 4022).

⁵⁹ *Id.* at 3627 ¶ 8.

⁶⁰ *Id.* citing *Frequency Coordination Report and Order*, 103 FCC 2d at 1446-7 ¶ 108 (licensing of the “original 150” channels was based on type of technology used rather than the category of user, so no one coordinator represented most users; however, all of the coordinators combined represented most if not all users).

⁶¹ Licensing of General Category Frequencies in the 806-809.750/851-854.750 MHz bands, *Order*, 10 FCC Rcd 13,190 (1995).

⁶² Amendment of Part 90 of the Commission’s Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, *First Report and Order*, *Eight Report and Order* and *Second Further Notice of Proposed Rulemaking*, PR Docket No. 93-144, GN. Docket No. 93-252, PP Docket No. 93-253, 11 FCC Rcd 1463 (1995) (*800 MHz SMR Report and Order*), and *Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 9972 (1997) (*800 MHz Memorandum Opinion and Order*).

⁶³ See 800 MHz Specialized Mobile Radio (SMR) Service General Category (851-854 MHz) and Upper Band (861-865 MHz) Auction Closes, *Public Notice*, 15 FCC Rcd 17,162 (rel. Sept. 6, 2000). For the auction, the 150 General Category channels were divided into six blocks, each containing twenty-five channels. Subsequent to the closing of the auction, in which 1,030 licenses were sold, see *id.*, the Commission announced that applications for 1,1014 licenses had been accepted for filing. See Wireless Telecommunications Bureau Grants 800 MHz Specialized Mobile Radio (SMR) Service General Category (851-854 MHz) and Upper Band (861-865 MHz) Auction Licenses, *Public Notice*, DA 00-2862 (rel. Dec. 20, 2000). The unsold licenses will be part of a future auction.

⁶⁴ Incumbent licensees refers to all 800 MHz licensees authorized in the 806-821/851-866 MHz band who obtained licenses or filed applications on or before December 15, 1995. See 47 C.F.R. § 90.693.

⁶⁵ 47 C.F.R. §§ 90.693 and 90.699 (incumbent modification and relocation procedures).

III. DISCUSSION

A. Procedural Issues

11. Before we reach the merits of AASHTO and IAFC/IMSA's requests, we must first address certain procedural issues raised by the commenters. First we must determine whether to proceed under delegated authority on an *ad hoc* basis or initiate a full rulemaking proceeding. APCO urges the Bureau to initiate a full rulemaking proceeding, combining the instant certification requests with APCO's separately pending petition to amend Section 90.20 of the Commission's Rules to allow any public safety frequency coordinator to coordinate any of the Public Safety Pool channels below 470 MHz.⁶⁶ We do not find this argument persuasive. Instead, we agree with AASHTO and AMTA⁶⁷ that the Commission has delegated to the Wireless Telecommunications Bureau (Bureau) the authority to certify frequency coordinators under Sections 0.131(m) and 0.331 of the Commission's Rules.⁶⁸ Section 0.131(m) lists "Certifies frequency coordinators; considers petitions seeking review of coordinator actions; and engages in oversight of coordinator actions and practices" as Bureau functions.⁶⁹ In this regard, we note that Section 0.331 delegates authority to "perform all functions of the Bureau, described in § 0.131, subject to ... certain exceptions and limitations."⁷⁰ The exceptions and limitations include, "... novel or new interpretations of law or policy which cannot be resolved under outstanding Commission precedents and guidelines."⁷¹ Given the history set forth above regarding certification of public safety frequency coordinators, we do not believe that the subject of this proceeding constitutes a new or novel question of law or policy that cannot be resolved under outstanding Commission precedents and guidelines. As the Commission stated in another context "WTB already has delegated authority to select frequency coordinators in the services it administers."⁷² In addition, we note that it is within an agency's discretion to determine whether to proceed on any matter by individual or collective action.⁷³ Accordingly, we

⁶⁶ APCO Comments at 2 n. 2 citing Petition for Rulemaking filed by APCO on February 21, 2001 (*APCO Petition*), which requests amendment of the rules to permit the use of any certified public safety coordinator for channels below 470 MHz. The *APCO Petition* is pending under file number RM-10077. See *Public Notice*, Report No. 2469 (rel. Mar. 1, 2001).

⁶⁷ AASHTO Request at 7, AMTA Comments at 3. See also DPW Comments at 2; MWAA Comments at 2; TDOT Comments at 2 (urging Commission to proceed on *ad hoc* basis). We note that IAFC/IMSA and APCO do not address the Bureau's authority to proceed on an *ad hoc* basis.

⁶⁸ 47 C.F.R. §§ 0.131, 0.331.

⁶⁹ 47 C.F.R. § 0.131(m).

⁷⁰ 47 C.F.R. § 0.331.

⁷¹ 47 C.F.R. § 0.131.

⁷² Amendment of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service, *Report and Order*, ET Docket No. 99-255, 15 FCC Rcd 11206, 11,218 ¶ 36 (2000).

⁷³ See *SEC v. Chenery Corp.*, 332 U.S. 194, 203 (1947).

conclude that the Bureau may properly address this matter on an *ad hoc* basis pursuant to delegated authority.⁷⁴

12. The next issue is whether we should, as suggested by Atlas and ComNet, expand the scope of this proceeding to include all similarly situated certified frequency coordinators.⁷⁵ IAFC/IMSA seeks certification in the 800 MHz and 900 MHz PLMR bands. AASHTO seeks certification in the 800 MHz band. We conclude that the issues involved in deciding whether to certify IAFC/IMSA and AASHTO to coordinate 800 MHz Public Safety frequencies apply equally to FCCA.⁷⁶ Therefore, the question of whether to certify existing below 512 MHz and 700 MHz public safety frequency coordinators to coordinate 800 MHz Public Safety frequencies will be considered herein. IAFC/IMSA's request to coordinate 900 MHz Public Safety frequencies, however, will not be considered herein because there are no 900 MHz Public Safety frequencies included in the spectrum allotted for PLMR.⁷⁷ With respect to APCO's suggestion that we combine the instant requests with APCO's pending rulemaking petition, we believe that the issues presented by APCO go beyond the question of whether to permit multiple coordination in the subject bands and, thus we will not consider them in the instant action. Accordingly these issues will not be considered herein, but reserved for future Commission action.⁷⁸

B. Merits of the requests

13. *Competitive Coordination for 800 MHz Public Safety frequencies.* In order to resolve the requests, we must first decide whether it is appropriate to introduce competition among frequency coordinators in the 800 MHz Public Safety categories. As noted above, when the Commission certified

⁷⁴ For example, we recently exercised our authority to certify United Telecom Council, Manufacturers Radio Frequency Advisory Committee, ITA, and PCIA to coordinate PLMR frequencies in the 800 MHz and 900 MHz Business and Industrial Land Transportation bands. *See* United Telecom Council, *Order*, DA 01-944 ¶ 7 (PSPWD, WTB 2001) (*UTC Order*). We also offered all below 512 MHz band I/B frequency coordinators the opportunity to perform frequency coordination services for frequencies in the 800 MHz and 900 MHz Business and I/LT bands. *Id.* at ¶ 1.

⁷⁵ Atlas Comments at 1; ComNet Comments at 1. AMTA urges the Commission to grant the frequency coordinator certification requests filed by AMTA and UTC. *See* AMTA Comments at 2 n. 2-3 citing Public Notices, DA 00-1699 (rel. Sept. 20, 2000) and DA 00-1172 (rel. May 26, 2000). We note that both UTC and AMTA's requests have been granted. *UTC Order*, *supra* note 74; American Mobile Telecommunications Association, Inc., and American Trucking Associations, Inc., *Memorandum Opinion and Order*, DA 01-1411 (PSPWD, WTB 2001).

⁷⁶ We note that the FCCA has not requested certification to coordinate 800 MHz Public Safety frequencies.

⁷⁷ IAFC/IMSA suggests that available channels in the 800 MHz and 900 MHz PLMR bands have been divided into three categories, which include Public Safety. IAFC/IMSA Request at 5 n. 13 citing Implementation of Section 309(j) and 337 of the Communications Act of 1934 as Amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz, *Notice of Proposed Rule Making*, WT Docket No. 99-87, 14 FCC Rcd 5206, 5215 ¶ 12 (1999) (*Below-800 MHz Notice*). The *Below-800 MHz Notice* refers to frequencies within the 896-901/935-940 band as the 900 MHz, which, we note, are available for Business, Industrial/Land Transportation, and SMR systems. *See* 47 C.F.R. §§ 90.35, 90.601, 90.617, and 90.619.

⁷⁸ As noted above, the *APCO Petition* is pending and has been placed on public notice. *See supra* note 66.

PLMR coordinators in 1986, it recognized the benefits of certifying more than one coordinator in each service but declined to do so at that time. In 1997, as part of a broad review of the PLMR services below 512 MHz, the Commission concluded that it would be in the public interest to allow more than one entity to coordinate frequencies formerly allocated to the Local Government Radio Service. The Commission also introduced competition among public safety frequency coordinators by certifying all public safety coordinators to frequency coordinate Public Safety 700 MHz General Use (regional planning) spectrum. By comparison, the decision to certify a single coordinator for 800 MHz public safety frequencies, including 800 MHz regional planning spectrum, occurred more than a decade ago. In this connection, we note the Commission's more recent statement that "we have not introduced competition into the frequency coordination process in the 800 MHz and 900 MHz bands so potential for improvement in these areas still exists."⁷⁹ Our experience since 1997 indicates that the introduction of competitive PLMR frequency coordination generally has been successful.⁸⁰ In this connection, we note that the Commission reconsidered and affirmed the decision to provide competitive coordination in the Public Safety 700 MHz band,⁸¹ and we have recently introduced competitive coordination in the 800 MHz and 900 MHz Business and Industrial/Land Transportation bands.⁸²

14. We conclude that, with respect to the desirability and feasibility of frequency coordinator competition, that there are no significant differences between applications and licensing in the frequencies formerly allocated to the Local Government Radio Service below 512 MHz,⁸³ the 700 MHz and 800 MHz Public Safety bands.⁸⁴ That the Commission did not introduce competitive coordination in the 800 MHz band when it did so for the former Local Government Radio Service frequencies below 512 MHz, and in the 700 MHz band, does not indicate that the Commission found such action unwarranted. Rather, the 800 MHz band simply was not at issue in those proceedings. Indeed, on the basis of its actions relative to the 700 MHz band, we believe the Commission has indicated a desire to foster competition between certified public safety frequency coordinators regarding public safety spectrum above 512 MHz.⁸⁵ Further, we believe that introducing such competition in the 800 MHz public safety spectrum will bring the benefits of lowering prices and improving the quality for frequency coordination, including speeding application processing time. In this connection, we note that the Commission introduced competitive coordination in the 800 MHz General Category frequencies to permit applicants the advantage of being able to choose a frequency coordinator on the basis of criteria such as cost and speed of service.⁸⁶ Further, we note that the majority of commenters to the captioned proceedings,

⁷⁹ *Below-800 MHz Notice*, 14 FCC Rcd at 5217 ¶ 15.

⁸⁰ AMTA Comments at 2; Atlas Comments at 1; ComNet Comments at 1; DPW Comments at 1-2; GDOT Reply at 1-2; MDOT Comments at 2; MWAA Comments at 2; TDOT Comments at 1-2; WDOT Comments at 1.

⁸¹ *700 MHz Second Memorandum Opinion and Order*, 15 FCC Rcd at 16,884 ¶ 87.

⁸² *UTC Order*, DA 01-944 ¶ 1.

⁸³ *See Refarming Second Report and Order*, 12 FCC Rcd at 14,327 ¶¶ 37-8 (distinguishing the Local Government Radio Service from other below 512 MHz public safety radio services).

⁸⁴ Accordingly, our decision today has no direct bearing on the outcome of APCO's pending petition for rulemaking, which seeks to introduce competitive coordination to public safety frequencies below-470 MHz.

⁸⁵ *Below-800 MHz Report and Order*, 14 FCC Rcd at 5217 ¶ 15.

⁸⁶ *See General Category Report and Order*, 8 FCC Rcd at 3627 ¶ 7; *infra* ¶ 10.

including state and local public safety agencies, contend that competition will reduce delays that applicants experience in awaiting coordination by alleviating the current burden on APCO as the sole 800 MHz band frequency coordinator.⁸⁷ Accordingly, we find it in the public interest to expand competition among certified public safety frequency coordinators to the 800 MHz PLMR Public Safety frequencies.

15. *Certification of Multiple Coordinators for 800 MHz Public Safety frequencies.* We next address whether AASHTO, FCCA,⁸⁸ and IAFC/IMSA are qualified to coordinate 800 MHz Public Safety frequencies. While generally supportive of the Commission's policy to promote competitive frequency coordination, APCO urges us to carefully review the Requesters' qualifications.⁸⁹ APCO contends that the Requesters' are unfamiliar with regional plans and lack extensive local involvement in each of the regions compared to the APCO Local Frequency Advisors.⁹⁰ In reply, IAFC/IMSA contends that the regional planning process is distinct from frequency coordinator qualifications.⁹¹

16. As noted above, the criteria the Commission established in 1986 for PLMR frequency coordination certification were (a) representativeness of the users of the frequencies to be coordinated, (b) the entity's overall coordination plan (including how recommendations would be made and equality of applicant treatment), (c) the entity's experience coordinating frequencies in the service or technical expertise, and (d) nationwide coordination capability.⁹² The Commission found that AASHTO met these requirements with respect to the Highway Maintenance Radio Services, IAFC/IMSA met these requirements with respect to the Fire, Special Emergency, and Emergency Medical Radio Services, and FCCA met these requirements with respect to the Forestry Conservation Radio Service. We now conclude that IAFC/IMSA and AASHTO, as well as FCCA, meet these requirements in regard to the 800 MHz Public Safety frequencies.

17. The Commission found that AASHTO represented the nations' highway maintenance service entities, that IAFC/IMSA represented the nations' fire, special emergency, and emergency medical services entities, and that FCCA represented the nation's forestry conservation services entities.⁹³ We find this continues to be the case. Because highway maintenance, forestry conservation,

⁸⁷ AMTA Comments at 2; Atlas Comments at 1; Cara Comments at 1; ComNet Comments at 1; GDOT Reply at 1-2; KDOT Comments at 1; DPW Comments at 1; MWAA Comments at 1; MDOT Comments at 2; TDOT Comments at 1; and WDOT Comments at 1. Some commenters indicate 800 MHz applicants often experience extended delays, *i.e.*, three months or more, for frequency coordination. Atlas Comments at 1; Cara Comments at 1; GDOT Reply at 1.

⁸⁸ *See infra* ¶ 12.

⁸⁹ APCO Comments at 2.

⁹⁰ APCO Comments at 3; Region VI Comments at 1-2. APCO also warns that it may be unable to continue providing financial and in-kind support for certain regional planning-related activities, absent a commitment from competitors to provide "high quality and cost-effective coordination with or without competition." APCO Comments at 5 n. 7; Region VI Comments at 1-2 (suggesting that lower costs would result in less support from APCO for Region VI activities).

⁹¹ IAFC/IMSA Reply at 2.

⁹² *Frequency Coordination Report and Order*, 103 FCC 2d at 1126 ¶ 70.

⁹³ *Id.* at 1126-1131 ¶¶ 70-9.

and fire, and emergency medical entities are eligible for 800 MHz Public Safety frequencies, we conclude that AASHTO, IAFC/IMSA, and FCCA are representative of a class of users of the frequencies for which we are certifying AASHTO and IMSA/IAFC and finding FCCA qualified to coordinate. Regarding AASHTO, FCCA and IAFC/IMSA's experience and expertise, we note that these entities have been providing frequency coordination services for over forty years, predating formal certification as frequency coordinators. In that time we have not received any significant complaints about AASHTO, FCCA, and IAFC/IMSA's performance. In this connection, we note that several commenters expressly attest to the quality of AASHTO and IAFC/IMSA's frequency coordination services below 512 MHz.⁹⁴ Moreover, we concur with the Requesters that any entity that successfully addresses the complex engineering questions presented by many below-512 MHz frequency coordinations can be expected to correctly apply the express mileage separation requirements set forth in the Commission's rules regarding the 800 MHz band.⁹⁵ Further, we believe that the below 512 MHz certified frequency coordinators are also well equipped to coordinate 800 MHz frequencies in border areas⁹⁶ including the 800 MHz regional planning borders, which largely follow state boundaries. In our view, these frequency coordinations are not materially *more* complex than those below 512 MHz. We note that all of the certified public safety frequency coordinators for below 512 MHz and 700 MHz currently have nationwide coordination capability. We expect these entities to retain their nationwide capability for continued use in coordinating frequencies below 512 MHz and for use in coordinating 800 MHz Public Safety frequencies. Furthermore, while we acknowledge APCO's continuing support for 800 MHz regional planning activities, we are confident, based on our experience and on the record before us, that all below-512 and 700 MHz public safety frequency coordinators are committed to providing high quality and cost-based frequency coordination to 800 MHz public safety applicants.⁹⁷ In view of the foregoing, we believe that AASHTO, FCCA, and IAFC/IMSA are qualified to coordinate Public Safety frequencies in the 800 MHz band.

18. *Competitive Coordination for 800 MHz General Category.* As noted above, the Commission first introduced competitive frequency coordination in the 800 MHz General Category over ten years ago.⁹⁸ Specifically, the Commission decided in 1990 that all frequency coordinators then certified to coordinate the 800 MHz Public Safety, Industrial/Land Transportation, and Business categories were thereby certified to coordinate applications to trunk 800 MHz General Category channels.⁹⁹ As a result, the Commission certified APCO, PCIA, and ITA to frequency coordinate the General Category because it found no distinction, for licensing purposes, based on the radio service in which a user was eligible.¹⁰⁰ Accordingly, we conclude that all frequency coordinators that are certified

⁹⁴ Atlas Comments at 1; ComNet Comments at 1; GDOT Reply at 2. GDOT says that AASHTO has met its mandate of processing 90 percent of applications within 20 working days or less.

⁹⁵ 47 C.F.R. § 90.621.

⁹⁶ 47 C.F.R. § 90.619 (frequencies available along U.S./Mexican and U.S./Canadian border areas).

⁹⁷ We remind coordinators that fees for frequency coordination services must reasonably reflect the cost of providing coordination services. *700 MHz Second Memorandum Opinion and Order*, 15 FCC Rcd at 16,884 ¶ 87.

⁹⁸ See ¶ 10, *infra*.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

to coordinate PLMR frequencies in the 800 MHz band are thereby certified to coordinate 800 MHz General Category applications that remain subject to frequency coordination.¹⁰¹

C. Implementation Matters; Notifications

19. *800 MHz Regional Planning Spectrum.* We agree with APCO that entities that coordinate frequencies in the 821-824/866-869 MHz bands must be knowledgeable about the relevant 800 MHz regional plans and planning processes that have been established.¹⁰² Although the 800 MHz regional planning process has matured over the last decade, some 800 MHz regional plans have required modification from time to time. The Wireless Telecommunications Bureau gives public notice of any such proposals, solicits comments thereon, and issues appropriate orders upon review.¹⁰³ Because 800 MHz regional plans continue to evolve, all coordinators must be knowledgeable about the relevant FCC-approved regional plans. This will ensure that assignments are consistent with the current regional plans. In this connection, we note that copies of 800 MHz regional plans may be obtained by contacting the relevant regional planning committee chairperson.¹⁰⁴

20. *800 MHz Public Safety frequencies.* Each public safety frequency coordinator that chooses to recommend 800 MHz Public Safety frequencies must adopt a system for information exchange to ensure that applications, once submitted, are not in conflict with other applications being submitted simultaneously or concurrently. While the Commission indicated in the *Refarming Second Report and Order* and the *700 MHz First Report and Order* that a real-time common database was desirable, it did not require that this method be adopted because there might be less expensive and less complex methods of sharing data and maintaining up-to-date records.¹⁰⁵ As the Commission did in the *Refarming Second Report and Order* and the *700 MHz Report and Order*, we will leave the issue of whether to use a real-time common database to the coordinators' discretion.¹⁰⁶ We note that several of the subject public safety frequency coordinators share data through the same third party database that is utilized by AASHTO.¹⁰⁷ As a result, these coordinators may use that database or choose a different method of sharing pertinent data so long as all public safety coordinators are properly notified.

21. We will require that coordinators provide notification of all 800 MHz Public Safety frequency recommendations to every coordinator that is also certified to coordinate that frequency *within*

¹⁰¹ See ¶ 22, *infra*.

¹⁰² See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶ 53-7; *Refarming Second Report and Order*, 12 FCC Rcd 14328 ¶ 39 n.96.

¹⁰³ *National Plan Report and Order*, 3 FCC Rcd at 911. For the 800 MHz band, the Commission staff is required to examine the proposed modification of plan, to ensure the public safety needs are fully addressed, that the spectrum has been used efficiently, that coordination with adjacent regions has occurred, and that all the requirements of the National Plan are met. *Id.*

¹⁰⁴ Regional Planning Chairpersons are listed at <<http://www.fcc.gov/wtb/publicsafety>>.

¹⁰⁵ *700 MHz First Report and Order*, 14 FCC Rcd at 201 ¶ 100 citing *Refarming Second Report and Order*, 12 FCC Rcd at 14,332 ¶ 46.

¹⁰⁶ *Id.* citing *Refarming Second Report and Order*, 12 FCC Rcd at 14,332 ¶ 46.

¹⁰⁷ AASHTO Request at 5.

one business day of making such recommendations. This notification requirement, which in 1997 was imposed on coordinators recommending below-512 MHz frequencies, and in 1998 to Public Safety 700 MHz band frequency recommendations, will improve the speed and quality of recommendations.¹⁰⁸ In the interests of efficiency and fairness, notification must be made to all of the other coordinators that are certified to coordinate the frequency(s) recommended at approximately the same time.¹⁰⁹ To encourage and facilitate the cooperation between the frequency coordinators, we will require that each 800 MHz Public Safety frequency coordinator communicate at least once each business day with each other 800 MHz Public Safety frequency coordinator.¹¹⁰ Even on days that there are no coordinations, communication between 800 MHz Public Safety frequency coordinators is required.¹¹¹

22. *General Category frequencies.* Incumbent General Category licensees that modify their licenses must obtain frequency coordination from a certified 800 MHz band frequency coordinator.¹¹² The Commission's rules require incumbent licensees that make modifications within their original 18 dBu V/m or 22 dBu V/m contour to notify the Commission by filing a frequency coordinated modification application on FCC Form 601.¹¹³ Incumbent licensees seeking to utilize an 18 dBu V/m signal strength interference contour shall obtain frequency coordination, when the consent of a co-channel licensee is withheld.¹¹⁴ Additionally, the Commission's Rules contemplate frequency coordination for General Category applications associated with involuntary relocations of incumbent licensees of the upper 200 channels in the 800 MHz band.¹¹⁵ Each 800 MHz band frequency coordinator that chooses to recommend General Category frequencies, must adopt a system for information exchange to ensure that applications, once submitted, are not in conflict with other applications being submitted simultaneously or concurrently.

23. *Notification details.* For 800 MHz PLMR applications, each required notification must, at a minimum, include the following: (a) name of applicant, (b) frequency or frequencies recommended, (c) antenna height, (d) antenna location(s), (e) type of emissions, (f) effective radiated power, (g) a description of the service area, and (h) the time the recommendation was made.¹¹⁶ The implementation

¹⁰⁸ See 47 C.F.R. § 90.176. See also *700 MHz First Report and Order*, 14 FCC Rcd at 201 ¶ 100 citing *Refarming Second Report and Order*, 12 FCC Rcd at 14,333-5.

¹⁰⁹ *Refarming Second Report and Order*, 12 FCC Rcd at 14,333-4 ¶ 47.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² See 47 C.F.R. §§ 90.693(b), (c), 90.147, 90.175.

¹¹³ 47 C.F.R. §§ 90.693(b), (c). See, e.g., *Yellow Cab Company, Inc., Order on Reconsideration*, 15 FCC Rcd 15,583 (PSPWD, WTB 2000).

¹¹⁴ 47 C.F.R. § 90.693(c). See Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, GN Docket No. 93-252, PP Docket No. 93-253, *Memorandum Opinion and Order on Reconsideration*, 14 FCC Rcd 17,556, 17,571 ¶ 23 (1999).

¹¹⁵ See 47 C.F.R. § 90.699(c); *800 MHz SMR Report and Order*, 11 FCC Rcd at 1503-10 ¶¶ 65-79.

¹¹⁶ *Refarming Second Report and Order*, 12 FCC Rcd at 14,333-4 ¶ 47.

details of providing notification will be left to each coordinator's discretion.¹¹⁷ For 800 MHz Public Safety frequencies, coordinators may choose to notify each other every time a recommendation is made, each time a certain number of recommendations are made, or they can send a notification containing all recommendations at the close of each business day.¹¹⁸ For PLMR General Category applications, each coordinator that chooses to recommend these frequencies must adopt a system for information exchange to ensure that applications, once submitted, are not in conflict with other applications being submitted simultaneously or concurrently. Also, rather than require coordinators to routinely include all information on proposed systems, we will require coordinators to provide this additional information only upon request. Therefore, each coordinator must furnish, within one business day, any additional information requested regarding a pending coordination that it processed.¹¹⁹ We believe that these procedures will prevent the filing of conflicting applications while fostering competition in the frequency coordination process.

IV. CONCLUSION

24. After careful consideration of the information before us, we are persuaded that IAFC/IMSA has the qualifications necessary to follow the rules and regulations in performing frequency coordination for 800 MHz Public Safety frequencies. We are also persuaded that AASHTO has the qualifications necessary to follow the rules and regulations in performing frequency coordination for 800 MHz Public Safety frequencies. The overwhelming number of commenters support the instant petitions, many speaking to first-hand knowledge of IAFC/IMSA and AASHTO's coordination practices and abilities, and they establish that the petitioners have the experience, expertise and diligence necessary to provide effective frequency coordination services for these frequencies. We therefore grant IAFC/IMSA's and AASHTO's request for certification to provide frequency coordination services for 800 MHz Public Safety frequencies.

25. Additionally, we conclude that the other below 512 MHz and 700 MHz Public Safety coordinator, FCCA, is qualified to coordinate 800 MHz Public Safety frequencies. If interested in coordinating these frequencies, FCCA, must notify the Bureau of its intention within forty-five days from the date this *Order* is released. Notification should be addressed to Ms. D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D. C. 20554. In order to inform applicants and other coordinators as to which entities provide coordination services for 800 MHz Public Safety frequencies, we will announce the certification of FCCA for this spectrum by public notice, if FCCA so notifies the Bureau.

26. In accordance with Commission precedent, we note that all frequency coordinators that are certified to coordinate PLMR frequencies in the 800 MHz band are thereby certified to coordinate 800 MHz General Category applications that are subject to frequency coordination.

¹¹⁷ For example, coordinators may use e-mail or facsimile for notification purposes.

¹¹⁸ *Id.* at 14,334 n. 128.

¹¹⁹ *Id.* at 14,334 ¶ 49.

V. ORDERING CLAUSES

27. Accordingly, IT IS ORDERED that, pursuant to Section 4(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(I), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the Informal Request for Certification filed by International Association of Fire Chiefs, Inc., and the International Municipal Signal Association on July 6, 2000 is GRANTED to the extent discussed above.

28. IT IS ORDERED that, pursuant to Section 4(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(I), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the *Informal Request for Certification* filed by the American Association of State Highway Transportation Officials on December 4, 2000 is GRANTED.

29. IT IS FURTHER ORDERED that International Association of Fire Chiefs, Inc., and the International Municipal Signal Association are CERTIFIED to provide frequency coordination services for applications for 800 MHz Public Safety frequencies.

30. IT IS FURTHER ORDERED that American Association of State Highway Transportation Officials is CERTIFIED to provide frequency coordination services for applications for 800 MHz Public Safety frequencies.

31. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau